

**ASSEMBLY BILL**

**No. 1124**

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**Introduced by Assembly Member Nunez**

**(Coauthors: Assembly Members Berg, Bermudez, Calderon, Chan, Chavez, Chu, Cohn, Corbett, Diaz, Dutra, Dymally, Firebaugh, Frommer, Goldberg, Hancock, Jackson, Kehoe, Koretz, Laird, Leno, Levine, Lieber, Longville, Montanez, Mullin, Nakano, Negrete McLeod, Parra, Pavley, Ridley-Thomas, Salinas, Steinberg, Wiggins, and Yee)**

**(Coauthor: Senator Romero)**

February 21, 2003

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An act to amend Sections 17070.75 and 17584 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1124, as introduced, Nunez. School facilities: restroom maintenance and repair.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law requires the board to require a participating school to keep state-funded facilities in good repair, to establish a restricted facilities maintenance account within the school district's general fund, and to deposit an amount equal to 3% of the school district's general fund into the fund for maintenance of the facility pursuant to a prescribed priority.

This bill would require, as the first priority, that maintenance funding be used to ensure that restroom facilities for pupils are functional and that they meet state and local hygiene standards generally applicable to public restrooms.

(2) Existing law authorizes a school district to establish a restricted fund known as the “district deferred maintenance account” for the purpose of major repair or replacement of school facilities systems.

Existing law requires the State Allocation Board to allocate, within prescribed limits, matching state funding from the State School Deferred Maintenance Fund to applicant school districts for this purpose.

This bill would require that the first priority for use of the state funds be to ensure that the restroom facilities for pupils are functional and that they meet state and local hygiene standards generally applicable to public restrooms.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17070.75 of the Education Code is  
2 amended to read:

3 17070.75. (a) The board shall require the school district to  
4 make all necessary repairs, renewals, and replacements to ensure  
5 that a project is at all times kept in good repair, working order, and  
6 condition. All costs incurred for this purpose shall be borne by the  
7 school district.

8 (b) In order to ensure compliance with subdivision (a) and to  
9 encourage school districts to maintain all buildings under their  
10 control, the board shall require an applicant school district to do  
11 all of the following prior to the approval of a project:

12 (1) Establish a restricted account within the school district’s  
13 general fund for the exclusive purpose of providing moneys for  
14 ongoing and major maintenance of school buildings, ~~according the~~  
15 ~~highest priority to funding.~~ *Funds in the account shall be used, as*  
16 *a first priority, to ensure that restroom facilities for pupils are*  
17 *functional and that they meet state and local hygiene standards*  
18 *generally applicable to public restrooms. The next priority shall be*  
19 *used for the any other purposes set forth in subdivision (a).*



1 (2) Agree to deposit into the account established pursuant to  
2 paragraph (1), in each fiscal year for 20 years after receipt of funds  
3 under this chapter, a minimum amount equal to or greater than 3  
4 percent of the applicant school district's total general fund  
5 expenditures, including other financing uses, for that fiscal year.  
6 ~~For the 1998-99 fiscal year and the 1999-2000 fiscal year, a~~  
7 ~~school district may phase in this requirement by agreeing to certify~~  
8 ~~the deposit of no less than 2 percent for the 1998-99 fiscal year and~~  
9 ~~no less than 2 1/2 percent for the 1999-2000 fiscal year.~~ Annual  
10 deposits to the fund established pursuant to paragraph (1) in excess  
11 of 2 1/2 percent of the district general fund budget may count  
12 towards the district's matching funds requirement necessary to  
13 receive apportionments from the State School Deferred  
14 Maintenance Fund pursuant to Section 17584 to the extent that  
15 funds are used for purposes that qualify for funding under that  
16 section. In addition, any district contribution to this fund may be  
17 provided in lieu of meeting the ongoing maintenance requirements  
18 pursuant to Section 17014 to the extent the funds are used for  
19 purposes established in that section. A school district that serves  
20 as the administrative unit for a special education local plan area  
21 may elect to exclude from its total general fund expenditures, for  
22 purposes of this paragraph, the distribution of revenues that are  
23 passed through to participating members of the special education  
24 local plan area. This paragraph is applicable only to the following  
25 school districts:

26 (A) High school districts with an average daily attendance  
27 greater than 300 pupils.

28 (B) Elementary school districts with an average daily  
29 attendance greater than 900 pupils.

30 (C) Unified school districts with an average daily attendance  
31 greater than 1,200 pupils.

32 (3) Certify that it has publicly approved an ongoing and major  
33 maintenance plan that outlines the use of the funds deposited, or  
34 to be deposited, pursuant to paragraph (2). The plan may provide  
35 that the district need not expend all of its annual allocation for  
36 ongoing and major maintenance in the year in which it is deposited  
37 if the cost of major maintenance requires that the allocation be  
38 carried over into another fiscal year. However, any state funds  
39 carried over into a subsequent year shall not be counted toward the  
40 annual minimum contribution by the district. A plan developed in

1 compliance with this section shall be deemed to meet the  
2 requirements of Section 17585.

3 (c) A district to which paragraph (2) of subdivision (b) does not  
4 apply shall certify to the board that it can reasonably maintain its  
5 facilities with a lesser level of maintenance.

6 (d) For the purposes of calculating a county office of education  
7 requirement pursuant to this section, the 3 percent maintenance  
8 requirement shall be calculated based upon the county office of  
9 education general fund less any restricted accounts.

10 SEC. 2. Section 17584 of the Education Code is amended to  
11 read:

12 17584. (a) The State Allocation Board shall apportion, from  
13 the State School Deferred Maintenance Fund, to school districts an  
14 amount equal to one dollar (\$1) for each one dollar (\$1) of local  
15 funds up to a maximum of  $\frac{1}{2}$  percent of the district's second prior  
16 fiscal year revenue limit average daily attendance multiplied by  
17 the average, per unit of second prior fiscal year average daily  
18 attendance, of the total expenditures and ending fund balances of  
19 the total general funds and adult education funds for districts of  
20 similar size and type, as defined in subdivision (b) of Section  
21 42238.4, for the second prior fiscal year, exclusive of any amounts  
22 expended for capital outlay, debt service, or revenues that are  
23 passed through to other local education agencies, to the extent of  
24 funds available.

25 (b) In order to be eligible to receive state aid pursuant to  
26 subdivision (a), no district shall be required to budget from local  
27 district funds an amount greater than  $\frac{1}{2}$  percent of the district's  
28 second prior fiscal year revenue limit average daily attendance,  
29 multiplied by the average, per unit of second prior fiscal year  
30 average daily attendance, of the total expenditures and ending fund  
31 balances of the total general funds and adult education funds for  
32 districts of similar size and type, as defined in subdivision (b) of  
33 Section 42238.4 for the second prior fiscal year, exclusive of any  
34 amounts expended for capital outlay, debt service, or revenues that  
35 are passed through to other local educational agencies.

36 (c) The apportionment of funds specified in subdivision (a)  
37 shall be made by the State Allocation Board after December 1 of  
38 each fiscal year.

39 (d) *First priority for use of the funds apportioned pursuant to*  
40 *this section shall be to ensure that the restroom facilities for pupils*



- 1 *are functional and that they meet state and local hygiene standards*
- 2 *generally applicable to public restrooms.*

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